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# A BILL FOR AN ACT

RELATING TO EDUCATION FOR FOSTER CHILDREN.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the lack of  
2 stability in the lives of Hawaii's foster children is a serious  
3 issue, and that foster children who experience the psychological  
4 and emotional trauma of being removed from their family also  
5 suffer educational setbacks due to frequent changes in school  
6 placement. Foster children and youth may change schools many  
7 times during a single school year. Each time a child changes  
8 schools, he or she must adapt to new personnel, new subject  
9 matter, and new students, while also having to adjust to a new  
10 home environment.

11           As the school year progresses, teachers build on concepts  
12 from prior lessons to take children to new levels of  
13 understanding. Every time a child changes schools, the child  
14 immediately falls behind in school work, and does not receive  
15 the full benefit of a year's worth of instruction because the  
16 child has not participated in prior lessons. The child must  
17 also acclimate to a new environment and spend significant time



1 getting accustomed to new teaching methods and student group  
2 dynamics. Research has shown that with every change in school  
3 placement, a foster child falls behind at least one-half to one  
4 full grade level.

5 Many foster children receive specialized education, therapy  
6 services, and tutoring services. When they change schools,  
7 these services are often delayed. Further, instability and  
8 problems in school increase difficulties in the home for foster  
9 children. Providing stability in school will support foster  
10 placements and help prevent instability at home as well as at  
11 school.

12 The purpose of this Act is to provide educational stability  
13 for foster children, regardless of what is happening within  
14 their biological or foster families, by establishing guidelines  
15 for school placement and appropriating funds for transportation  
16 services for foster children.

17 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is  
18 amended by adding a new section to be appropriately designated  
19 and to read as follows:

20 "§302A- Foster children; school placement; services. (a)  
21 Decisions on where a foster child will be enrolled in school  
22 shall be based on the best interests of the child and made in



1 consultation with the department of human services, the child's  
2 guardian ad litem and, when necessary, the surrogate parent and  
3 the family court.

4 In making determinations under this subsection, the  
5 department shall presume, to the extent feasible, it is in the  
6 child's best interests to:

7 (1) Keep the child in the child's school of origin:

8 (A) Until the end of the school year; or

9 (B) Until the child completes the child's senior  
10 year, if the child is in high school;

11 and

12 (2) Follow the wishes of the child.

13 (b) Foster children, including those living outside the  
14 geographic area of the school district, shall receive services  
15 comparable to those received by children living within the  
16 district, including:

17 (1) Transportation services, including supervised  
18 transportation from their foster home to and from  
19 school;

20 (2) Tutoring services;

21 (3) Counseling services; and

22 (4) Extracurricular activities.



1        (c) For purposes of this section:

2        "Foster child" means a child placed in foster custody or  
3 permanent custody of the department of human services pursuant  
4 to chapter 587.

5        "School of origin" means the school that a child attended  
6 at the time the child was placed into the foster custody or  
7 permanent custody of the department of human services pursuant  
8 to chapter 587."

9        SECTION 3. There is appropriated out of the general  
10 revenues of the State of Hawaii the sum of \$                    or so  
11 much thereof as may be necessary for fiscal year 2008-2009 for  
12 the department of education to provide transportation services  
13 for foster children to and from school.

14        The sum appropriated shall be expended by the department of  
15 education for the purposes of this Act.

16        SECTION 4. New statutory material is underscored.

17        SECTION 5. This Act shall take effect on July 1, 2008.



**Report Title:**

Foster Children; Stability of School Placement; Transportation

**Description:**

Establishes guidelines for school placement and transportation for foster children. (HB2051 HD1)

